

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BOBBY EUGENE LUCKY, )  
Petitioner, )  
v. ) Case No. CIV-15-1033-M  
TRACY MCCULLUM, Warden, )  
Respondent. )

**ORDER**

On September 22, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254. The Magistrate Judge recommended that petitioner's Application to Proceed in District Court Without Repaying Fees and Costs [docket no. 2] be denied and that petitioner be ordered to prepay the full \$5.00 filing fee for this action to proceed. Petitioner was advised of his right to object by October 9, 2015. On October 2, 2015, petitioner paid the \$5.00 filing fee.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 5] issued by the Magistrate Judge on September 22, 2015;
- (2) DENIES plaintiff's Application to Proceed in District Court Without Repaying Fees and Costs [docket no. 2]; and
- (3) RECOMMITS this action to the Magistrate Judge for further proceedings.

**IT IS SO ORDERED this 30th day of October, 2015.**



VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE